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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/588,351	06/07/2000	Roy Childs Flaker	FI996085	8116
30678	7590	11/30/2004	EXAMINER	
CONNOLLY BOVE LODGE & HUTZ LLP			FENTY, JESSE A	
SUITE 800				
1990 M STREET NW			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20036-3425				2815

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/588,351	FLAKERS ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Jesse A. Fenty	2815

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 August 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 6-14 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 6-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

*Response to Arguments*

1. In view of the Appeal Brief filed on 08/18/04, PROSECUTION IS HEREBY REOPENED. A new rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

*Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 6, 8, 9, 11 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Okumura et al. (U.S. Patent No. 5,892,260).

In re claim 6, Okumura (Figs. 4, 21-23) discloses in a circuit comprising at least one SOI device, a method for enhancing the performance of the circuit, the method comprising the steps of:

Providing a pulse discharge circuit (312, 2103) connected to the at least one SOI device;

Using the pulse discharge circuit to discharge any accumulated potential on a body of the at least one SOI device prior to accessing the at least one SOI device (column 6, lines 28-37; column 11, lines 50-67).

In re claim 8, Okumura (Fig. 21) discloses the method of claim 6, wherein the pulse discharge circuit (312, 2103) comprises:

An input signal;

A delay element (capacitor) coupled to the input signal; and

An output signal coupled to the input signal, the output signal driving the circuit.

In re claim 9, Okumura (Figs. 4, 21-23) discloses in a circuit comprising a plurality of SOI devices, wherein each of the plurality of SOI devices has a body, a method for enhancing the performance of the circuit, the method comprising the steps of:

Selectively grounding the body of at least one of the plurality of SOI devices to dissipate an electric charge accumulated in the body of the at least one of the plurality of SOI devices before accessing said SOI devices (column 6, lines 28-37; column 11, lines 50-67).

In re claim 11, Okumura (Figs. 4, 21-23) discloses in a circuit comprising a plurality of SOI devices, wherein each of the plurality of SOI devices has a body, a method for enhancing the performance of the circuit, the method comprising the steps of:

Providing a pulse discharge circuit, the pulse discharge circuit having a pulse generator (2103) connected to the circuit;

Using the pulse generator to generate a pulse (column 11, lines 50-67); and

Discharging any accumulated potential on the body of at least one of the plurality of SOI devices to a point having a lower potential than the accumulated potential of the body in response to the pulse from the pulse generator prior to accessing said at least one SOI device.

In re claim 14, Okumura (Figs. 4, 21-23) discloses a method for discharging accumulated charge from a body of an SOI device and accessing the SOI device, comprising:

Generating a pulse (with circuit 2103);

Using the generated pulse to provide a conductive path from the body of the SOI device to a reference point having a lower potential than the accumulated charge (column 12; esp. lines 1-26));

Discharging the accumulated charge from the body of the SOI device to the reference point (column 12; esp. lines 43-54);

Providing a control signal which enables access to the SOI device; and

Reading an output of the SOI device (out1, out2),

Wherein said steps of generating a pulse and discharging the accumulated charge occur prior to said step of reading an output of the SOI device.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okumura et al. (U.S. Patent No. 5,892,260) in view of Ohmi (U.S. Patent No. 4,907,053).

In re claims 7, 10 and 12, Okumura discloses the methods of claims 6, 9 and 11 respectively, but does not expressly disclose using the circuit in a memory device. Ohmi discloses using a pulse circuit in a memory device (Ohmi; column 14, lines 33-35). It would have been obvious for one skilled in the art at the time of the invention to use the device of Okumura in the memory configuration of Ohmi for the purpose, for example, of enhancing the functionality of a memory device by providing a low power dissipation bias voltage generating apparatus (Okumura; column 2, lines 33-34).

In re claim 13, Okumura in view of Ohmi discloses the method of claim 12. The limitation, "wherein the pre-determined time is just prior to ... data" is a recitation of the intended use of the device. Terms that simply set forth the intended use, a property inherent in or a function, do not differentiate the claimed composition of these elements from those known to prior art.

#### *Response to Arguments*

6. Applicant's arguments filed 08/18/04 have been fully considered but they are not persuasive.

Applicant argues (pp. 5-6 of the Appeal Brief) that biasing the substrate of a device in a standby mode for minimizing power dissipation, and for lowering a threshold voltage in an active mode such that it responds to a rapid switching signal, are not identical to discharging

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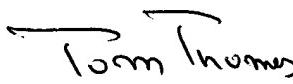
potential on a body before accessing an SOI device. On the contrary, Examiner asserts this analogy. Okumura clearly designates a pulse generating circuit (2103) that is used prior to accessing the SOI device as noted in the corresponding column and line numbers of the preceding rejection. The Standby Mode of Okumura is analogous to discharging a body before doing another step. As explained in column 12 of Okumura, the Standby mode is created by the pulsing of the generating circuit to set the transistors 2102 and 2103 at ground, before continuing with the next pulse (column 12, lines 43-54).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesse A. Fenty whose telephone number is 571-272-1729. The examiner can normally be reached on 5/4-9 1st Fri. Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on 571-272-1664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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Art Unit 2815